

# **Plaintiffs'**

# **Exhibit E**

**From:** [Braunstein, Andrew](#)  
**To:** [Asher Hawkins](#); [Casamento, Greg](#)  
**Cc:** [DeRose, R.J.](#); [Gregory Frank](#); [Carol A. Lastorino](#); [Marvin Frank](#); [Goodin, Matthew](#); [Aaron Easley](#); [Fontenelli, Christopher](#); ["Morgan I. Marcus"](#); [Shartle, Bryan](#); [Amanda Gurman](#)  
**Subject:** RE: Bifulco et al. v. NCSLT 2004-2 et al. (No. 18-cv-7692) | Michelo et al v. NCSLT 2007-2 et al. (No. 18-cv-1781) - Trusts' Discovery Issues  
**Date:** Wednesday, September 4, 2019 6:26:27 PM

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Asher,

While we do have objections to your amended 30(b)(6) notice, which we will be serving shortly, we are prepared to go forward with the deposition and will endeavor to prepare one or more witnesses to provide testimony on the topics as reflected in the amended notice. As you know, the Trust Defendants operate through various third-parties. We are still in the process of identifying who will act as the Trust Defendants' 30(b)(6) representative(s), as well as availability of the witness(es). We will provide you with proposed dates by Tuesday, September 10.

Regarding the documents referenced in your email below, below is a link to a production containing the document we understand to be the Schedule of Loans for the 2006-4 Trust:

<https://lockelord.box.com/s/yhm62o3uchx8uhgnbdf10hnoxumca0p>

Please note that this production has been designated "CONFIDENTIAL" pursuant to the stipulated protective order entered by the Court. A password to access the production will be provided shortly under separate cover.

We are working on obtaining the other documents you've requested, and anticipate being able to provide you with an update as to our progress also by Tuesday.

Best,

**Andrew Braunstein**  
646-217-7879 Direct  
[andrew.braunstein@lockelord.com](mailto:andrew.braunstein@lockelord.com)

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**From:** Asher Hawkins <ahawkins@frankllp.com>  
**Sent:** Tuesday, September 3, 2019 5:56 PM  
**To:** Casamento, Greg <GCasamento@lockelord.com>  
**Cc:** DeRose, R.J <RDeRose@lockelord.com>; Gregory Frank <gfrank@frankllp.com>; Carol A. Lastorino <Carol.Lastorino@rivkin.com>; Marvin Frank <mfrank@frankllp.com>; Goodin, Matthew <JMGoodin@lockelord.com>; Aaron Easley <aeasley@sessions.legal>; Fontenelli, Christopher <Christopher.Fontenelli@lockelord.com>; Braunstein, Andrew <Andrew.Braunstein@lockelord.com>; 'Morgan I. Marcus' <mmarcus@sessions.legal>; Shartle, Bryan <bshartle@sessions.legal>; Amanda Gurman <Amanda.Gurman@rivkin.com>  
**Subject:** RE: Bifulco et al. v. NCSLT 2004-2 et al. (No. 18-cv-7692) | Michelo et al v. NCSLT 2007-2 et al. (No. 18-cv-1781) - Trusts' Discovery Issues

Trust Defendants:

I'm writing to follow up about two sets of discovery issues that remain outstanding and must be resolved immediately:

1. The Rule 30(b)(6) deposition(s).

Please identify your corporate designee(s) soonest. We have revised our notice, and you have had ample time to digest it. If you feel another meet-and-confer is necessary, let us know now.

2. The additional unproduced documents identified in my August 20 email (see below).

Again, we are open to a meet-and-confer on this.

The new discovery deadline set by the court on Friday is just a few weeks away. We are prepared to begin the process for motions to compel, if necessary.

Yours,  
Asher

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Asher Hawkins

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**From:** Asher Hawkins

**Sent:** Wednesday, August 21, 2019 10:15 PM

**To:** Casamento, Greg <[GCasamento@lockelord.com](mailto:GCasamento@lockelord.com)>

**Cc:** DeRose, R.J <[RDeRose@lockelord.com](mailto:RDeRose@lockelord.com)>; Gregory Frank <[gfrank@frankllp.com](mailto:gfrank@frankllp.com)>; Carol A. Lastorino <[Carol.Lastorino@rivkin.com](mailto:Carol.Lastorino@rivkin.com)>; Marvin Frank <[mfrank@frankllp.com](mailto:mfrank@frankllp.com)>; Goodin, Matthew <[JMGoodin@lockelord.com](mailto:JMGoodin@lockelord.com)>; Aaron Easley <[aeasley@sessions.legal](mailto:aeasley@sessions.legal)>; Fontenelli, Christopher <[Christopher.Fontenelli@lockelord.com](mailto:Christopher.Fontenelli@lockelord.com)>; Braunstein, Andrew <[Andrew.Braunstein@lockelord.com](mailto:Andrew.Braunstein@lockelord.com)>; 'Morgan I. Marcus' <[mmarcus@sessions.legal](mailto:mmarcus@sessions.legal)>; Shartle, Bryan <[bshartle@sessions.legal](mailto:bshartle@sessions.legal)>; Amanda Gurman <[Amanda.Gurman@rivkin.com](mailto:Amanda.Gurman@rivkin.com)>

**Subject:** RE: Bifulco et al. v. NCSLT 2004-2 et al. (No. 18-cv-7692) | Michelo et al v. NCSLT 2007-2 et al. (No. 18-cv-1781) - Trusts' 30(b)(6)

All:

Attached is the revised Rule 30(b)(6) notice to the Trust Defendants, as well as a comparison document showing changes to the previous version.

Best,  
Asher

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**From:** Asher Hawkins

**Sent:** Tuesday, August 20, 2019 1:07 PM

**To:** Braunstein, Andrew <[Andrew.Braunstein@lockelord.com](mailto:Andrew.Braunstein@lockelord.com)>; Gregory Frank <[gfrank@frankllp.com](mailto:gfrank@frankllp.com)>

**Cc:** DeRose, R.J <[RDeRose@lockelord.com](mailto:RDeRose@lockelord.com)>; Carol A. Lastorino <[Carol.Lastorino@rivkin.com](mailto:Carol.Lastorino@rivkin.com)>; Marvin Frank <[mfrank@frankllp.com](mailto:mfrank@frankllp.com)>; Goodin, Matthew <[JMGoodin@lockelord.com](mailto:JMGoodin@lockelord.com)>; Aaron Easley <[aeasley@sessions.legal](mailto:aeasley@sessions.legal)>; Fontenelli, Christopher <[Christopher.Fontenelli@lockelord.com](mailto:Christopher.Fontenelli@lockelord.com)>; 'Morgan I. Marcus' <[mmarcus@sessions.legal](mailto:mmarcus@sessions.legal)>; Casamento, Greg <[GCasamento@lockelord.com](mailto:GCasamento@lockelord.com)>; Amanda Gurman <[Amanda.Gurman@rivkin.com](mailto:Amanda.Gurman@rivkin.com)>; Kramer, Jeffrey <[JKramer@lockelord.com](mailto:JKramer@lockelord.com)>

**Subject:** RE: Bifulco et al. v. NCSLT 2004-2 et al., No. 18-cv-7692; Michelo et al v. NCSLT 2007-2 et al., No. 18-cv-1781

Trust Defendants:

We have identified additional documents that you have not produced:

- What you have produced contains numerous references to the “Special Servicing Agreement” dated March 1, 2009 and involving all National Collegiate Student Loan Trusts. (*E.g.*, NCSLT\_000670, -722). Please produce this agreement.
- Your production contains the “Servicer Consent Letter” pertaining to Trust 2006-4. (*See* NCSLT\_000650–61). Do such letters exist for some or all of the other three Trust Defendants? If yes, produce them.
- The 2006-4 Servicer Consent Letter and other documents in your production reference a “Schedule” of the loans held by and serviced for benefit of a Trust. (*See* NCSLT\_000650, -000003, -000102, -111, -188, -195, 440, -449, -529). Please produce the schedules.

We would be happy to meet and confer about the above if it would be helpful.

Best,  
Asher

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Asher Hawkins

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